

**BEFORE THE IDAHO STATE BOARD OF EXAMINERS
OF RESIDENTIAL CARE FACILITY ADMINISTRATORS**

In the Matter of the License of:)	
)	Case No. RCA-2007-3
DEBBY KAMPHAUS,)	
License No. RCA-455,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW AND
Respondent.)	RECOMMENDED ORDER
)	

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Having reviewed the Complaint and other documents in this matter, the Hearing Officer hereby enters the following Findings of Fact, Conclusions of Law, and Recommended Order:

FINDINGS OF FACT

1. Debby Kamphaus (hereinafter "Respondent") is licensed by the Idaho State Board of Examiners of Residential Care Facility Administrators (hereinafter "Board") under License No. RCA-455 to engage in the practice of residential care facility administration.

2. On July 27, 2007, a formal administrative Complaint was filed in this matter with the Board. Said Complaint is expressly incorporated herein and made a part hereof.

3. Copies of the Complaint, along with the Notification of Procedural Rights, were sent to Respondent on July 27, 2007, by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail. The mailings were addressed to Respondent at her most recent home address on file with the Board, as follows:

Debby Kamphaus
11217 Barden Tower Drive
Boise, ID 83709

4. The certified mail return receipt indicates that the copy of the Complaint sent by certified mail was received at Respondent's address on July 28, 2007. In addition, the envelope containing a copy of the Complaint which was sent to Respondent by regular mail was not returned to the sending office.

5. The Notification of Procedural Rights informed Respondent that, under statutes and rules applicable to such proceedings before the Board, Respondent needed to file a formal Answer to the Complaint within twenty-one (21) days of service of the Complaint and that failure to timely file an Answer to the Complaint or otherwise defend against the action would constitute a default and would be sufficient grounds for proceeding administratively against Respondent's license without the necessity of conducting a hearing.

6. On August 30, 2007, a Notice of Proposed Default Order and Default Order, along with another copy of the Complaint and Notification of Procedural Rights, were sent to Respondent by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail, at the following address:

Debby Kamphaus
11217 Barden Tower Drive
Boise, ID 83709

7. Respondent failed to contest entry of the proposed Default Order within seven (7) days of service of the Notice of Proposed Default Order.

8. Concurrent herewith, a Default Order was entered against Respondent. Therefore, the allegations contained in the Complaint on file in this matter are admitted as true without the necessity of conducting a hearing.

9. As detailed in the incorporated Complaint, Respondent, while a licensed residential care facility administrator, did do the following:

a. On January 23, 2006, while Respondent was administrator of Happy Kamper, a residential care facility, a Department of Health and Welfare, Bureau of

Facility Standards (“Facility Standards”) survey found that Happy Kamper:

- i. Failed to develop or implement Negotiated Service Agreements (NSAs) for three of three sampled residents to identify and describe the residents’ behavior management needs in order to guide staff and management in resident cares; and

- ii. Failed to develop or implement Behavioral Management Plans (BMPs) for three of three sampled residents to direct caregivers on how to intervene when the residents had inappropriate behaviors.

- b. On January 25, 2006, while Respondent was administrator of Agape Residential Care Home, a residential care facility, a Facility Standards survey found that Agape Residential Care Home:

- i. Failed to develop or implement NSAs for four of four sampled residents to identify and describe the residents’ behavior management needs; and

- ii. Failed to implement NSAs for four of four sampled residents for assistance with medications.

- c. On April 5, 2006, a follow-up survey of Agape Residential Care Home by Facility Standards found:

- i. Respondent allowed a former house manager to work 11 days unsupervised after Respondent learned of allegations of abuse against the former manager by a resident; and

- ii. Respondent had still failed to develop or implement an NSA for one resident to identify and describe the resident’s behavior management needs.

CONCLUSIONS OF LAW

- 1. As a licensed residential care facility administrator in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 42, Idaho Code.

- 2. The Complaint was sent to Respondent at the address on file with the

Board. Respondent was duly and lawfully given notice of proceedings against her license pursuant to the provisions of IDAPA 04.11.01.055.

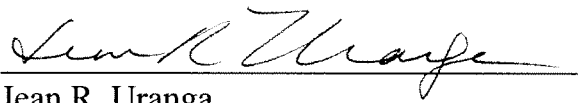
3. Respondent's failure to plead or otherwise defend in this action authorizes the Board, pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.700, to enter an Order of Default which is as lawful as if all the allegations in the Complaint were proved or admitted at a hearing.

4. Respondent's acts as detailed in the incorporated Complaint constitute violations of Idaho Code § 54-4213(1)(b), IDAPA 24.19.01.650.03, and American College of Health Care Administrators (ACHCA) Code of Ethics Expectation I., thereby authorizing the Board to impose sanctions against Respondent.

ORDER

Based upon the foregoing, it is the recommendation of the Hearing Officer that the Board take such action as it deems appropriate consistent with the Findings of Fact and Conclusions of Law stated above.

DATED this 18 day of September, 2007.


Jean R. Uranga
Hearing Officer

NOTICE OF DUE PROCESS RIGHTS

This is a recommended order of the Hearing Officer. It will not become final without action of the Board. Any party may file a petition for reconsideration of this recommended order with the Hearing Officer issuing the order within fourteen (14) days of the service date of this order. The Hearing Officer issuing this recommended order will dispose of any petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See* Idaho Code § 67-5243(3).

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended

order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of this recommended order and file briefs in support of the party's position on any issue in the proceeding.

Written briefs in support of or taking exceptions to the recommended order shall be filed with the Board. Opposing parties shall have twenty-one (21) days to respond. The Board may schedule oral argument in the matter before issuing a final order. The Board will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties and for good cause shown. The Board may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order.

CERTIFICATE OF SERVICE

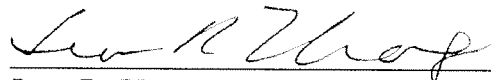
I HEREBY CERTIFY that on this 18 day of September, 2007, I caused to be served a true and correct copy of the foregoing by the following method to:

Debby Kamphaus
11217 Barden Tower Drive
Boise, ID 83709

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Emily A. Mac Master
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail



Jean R. Uranga
Hearing Officer